

STATE OF INDIANA – MARTIN COUNTY  
IN THE MARTIN CIRCUIT COURT

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**NOTICE OF PROPOSED AMENDED LOCAL RULE AND  
FINDING GOOD CAUSE TO DEVIATE FROM ESTABLISHED SCHEDULE  
MAY 21, 2020**

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Martin Circuit Court, pursuant to Trial Rule 81(B), gives notice of proposed amendments to the local rule concerning bail settings and appearance of defendants in criminal matters at **LR51-CR00-3**, and finds good cause to deviate from the schedule for adopting local rules under Trial Rule 81(D). All new text is shown by underlining and deleted text is shown by ~~striethrough~~.

Notice will be given to the public by furnishing a copy to the Martin County Clerk, publishing on the Indiana Judicial Website, and by furnishing a copy to the officers of the Martin County Bar Association.

Comments may be made until **June 21, 2020** to the Honorable Lynne Ellis, Judge, Martin Circuit Court, 129 Main Street, Shoals, IN 47581-0370, or by email at [mccjudge@martincounty.in.gov](mailto:mccjudge@martincounty.in.gov).

The amended local court rule will be effective on **July 1, 2020**.

DATED this 21st day of May, 2020.

\_\_\_\_\_/S/\_\_\_\_\_  
Lynne Ellis, Judge  
Martin Circuit Court

~~Effective July 1, 2014, the following bail procedures shall be in effect for all persons whose appearance is required in the Martin Circuit Court:~~

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### **~~1. No Bail Requirement~~**

~~If the Court has not established bail in a particular case, no bail shall be set in the following cases until such time as the person arrested has been brought before the Court where the criminal charges are filed or are scheduled to be filed:~~

- ~~(A) When a person has been arrested for Murder, a Level 1 Felony offense or a Level 2 Felony offense.~~
- ~~(B) When a person has been returned to Indiana from another state to face a criminal charge or where a person has been arrested in Indiana as a fugitive from another state.~~
- ~~(C) When a person has been arrested on a warrant for a failure to appear or for a violation of probation and no bond is provided for in the Court's Order.~~
- ~~(D) When a person is on probation and has been arrested for the commission of a felony offense.~~
- ~~(E) When a person is charged as a habitual offender, or is shown to have two (2) prior felony convictions.~~

### **~~2. Standard Bail Requirement~~**

~~A standard bail is hereby set in the following amounts for the offenses described and such bail may be posted by cash or surety:~~

- ~~(A) Level 3 Felony offenses — \$100,000/\$10,000.00 10%;~~
- ~~(B) Level 4 Felony offenses — \$75,000.00/\$7,500.00 10%;~~
- ~~(C) Level 5 Felony offenses — \$50,000.00/\$5,000.00 10%;~~
- ~~(D) Level 6 Felony offenses — \$25,000.00/\$2,500.00 10%.~~
- ~~(E) Class A Misdemeanor offenses — \$20,000.00/\$2,000.00 10%.~~
- ~~(F) Class B & C Misdemeanor offenses — \$10,000.00/\$1,000.00 10%.~~

~~For persons charged with resisting law enforcement or battery to a police officer, the bail shall double.~~

~~For persons who reside out of state, no 10% cash deposit shall be authorized.~~

~~Persons may always post the entire amount of the bond in cash instead of a surety bond.~~

### **~~3. Computation of Bail Amount~~**

~~In those cases where a specific Court ordered bond has not been set, the Sheriff shall compute the standard bond for Levels 3 through 6 Felonies and for Misdemeanor offenses by referring only to the single most serious charge placed against the person. When multiple charges of the same degree are placed against the person, the standard bond for a single offense of that degree shall apply.~~

### **~~4. Release on Recognizance~~**

~~No person who is scheduled to appear in Court shall be released on his or her recognizance without the express authority of the Judge of the Circuit Court.~~

### **~~5. Notice Regarding Initial Hearing (Including Revocations)~~**

~~A person who has posted bail to secure his/her appearance in Court shall be informed by the Sheriff that the person is scheduled to appear in Court for an Initial Hearing and advise the individual of the hearing date. All hearing dates and schedules shall be sent to the Court.~~

~~The person shall be further advised that a failure to appear will result in a revocation of bail and the issuance of an arrest warrant for failure to appear.~~

### **~~6. Domestic Violence Offenses—Holding Period~~**

~~Domestic Violence offenses shall include the felony or misdemeanor offenses of battery, intimidation, confinement, invasion of privacy or for any violation of a Protective Order.~~

~~All persons arrested for domestic violence offenses shall not be released from custody until 18 hours have elapsed from the time that they were booked in jail.~~

~~Persons arrested for a second or subsequent Domestic Violence Offense shall be held without bail until the Initial Hearing.~~

**~~7. Violent Crime—No Contact with Victim~~**

~~If the defendant is charged with committing a violent crime (as defined in IC 5-2-6.1-8) that results in bodily injury to a person, then as a condition of bail, the Defendant shall refrain from any direct or indirect contact with the victim until further Order of the Court.~~

**~~8. Procedure When No Bail Posted~~**

~~Unless otherwise advised by a Court, any person arrested for a criminal offense who has not posted bail shall be brought by the Sheriff to Court within forty-eight (48) hours following the day of his or her arrest (excluding weekends and holidays) for the purpose of an Initial Hearing. If the prosecuting attorney advises the Court that more time is required to evaluate the case and determine whether charges should be filed, the Court may continue the Initial Hearing for up to seventy-two (72) hours.~~

**~~9. Duty of Recording Bail Information~~**

~~All original documentation regarding the posting of bail shall be submitted to the Clerk and the Clerk of the Court shall be responsible for entering the information on the Chronological Case Summary.~~

**~~10. Disposition of Cash Deposits~~**

~~The Court, for good cause shown may allow the Defendant to execute a bail bond by depositing cash or sureties with the Clerk of the Court in an amount not less than 10% of the bail required by the Court. The Clerk shall retain the 10% so deposited for the publicly paid costs of representation as authorized by Indiana Code 35-33-8-3.2 as amended.~~

~~The Clerk shall also retain from the deposit the fines, costs, fees and restitution as provided for by order of Court or by law.~~

**AMENDED-LR 51-CR00-3**

**MARTIN CIRCUIT COURT BOND SCHEDULE**

Unless the bail bond amount has been endorsed in a warrant or ordered by the Martin Circuit Court, this bond schedule shall apply to all persons charged with offenses to be filed in the

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Martin Circuit Court. (Effective July 1, 2020)

<u>CHARGE</u>	<u>BOND AMOUNT</u>
<u>MURDER and ATTEMPTED MURDER</u>	<u>To be determined by Judge</u>
<u>LEVEL 1 FELONY</u>	<u>To be determined by Judge</u>
<u>LEVEL 2 FELONY</u>	<u>To be determined by Judge</u>
<u>LEVEL 3 FELONY</u>	<u>\$60,000/10%</u>
<u>LEVEL 4 FELONY</u>	<u>\$45,000/10%</u>
<u>LEVEL 5 FELONY</u>	<u>\$30,000/10%</u>
<u>LEVEL 6 FELONY</u>	<u>\$15,000/10%</u>
<u>CLASS A MISDEMEANOR</u>	<u>\$10,000/10%</u>
<u>CLASS B MISDEMEANOR</u>	<u>\$5,000/10%</u>
<u>CLASS C MISDEMEANOR</u>	<u>\$3,000/10%</u>

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THE COURT, IN ITS DISCRETION MAY, ON ITS OWN MOTION, OR THE MOTION OF THE PROSECUTING ATTORNEY, FIX BOND IN AN AMOUNT DIFFERENT FROM THE ABOVE SCHEDULE.

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1. BOND NOT AVAILABLE: For a person arrested for, or charged with, the commission of an offense that would classify him/her as a sex or violent offender under LC. 11-8-8-5, no bond shall be set until further Order of the Court.
2. OUT OF STATE BOND: The bond schedule shall be doubled for a person not residing in the State of Indiana.
3. 48 HOUR HOLD OR UNTIL FURTHER ORDER OF THE COURT: A person charged with battery, domestic battery, stalking, invasion of privacy, strangulation, dealing a controlled substance, or attempting to commit any of the aforementioned crimes shall not be allowed to post bond under this schedule until 48 hours after book-in or until

further Order of the Court. The person may then post bond according to this schedule on the condition he/she agrees, in writing, to have no contact with the alleged victim and/or co-defendant. Should he/she refuse, said Defendant shall be held without bond until further Order of the Court.

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4. **LACK OF COOPERATION:** Should an individual refuse to identify himself/herself, provide current address, telephone number and date of birth and/or not cooperate with the book-in process, no bond shall be set until further Order of the Court.
5. **ARREST WHILE ON PROBATION, PAROLE OR BOND:** If it is determined that the person who has been arrested is on probation, parole or released on bond for another charge, that person shall be held without bond until further Order of the Court.
6. **MULTIPLE CHARGES:** Bond shall be set in amount according to the most serious charge filed against a person, and shall not be cumulative, should multiple charges be filed.
7. **TEN-PERCENT (10%) BOND RETAINED BY COURT:** Pursuant to LC. 35-33-8-3.2, if the Defendant is convicted, the Court is allowed to retain all, or a part, of the 10% bond payment to reimburse the Martin County Supplemental Public Defender fund, and pay Court costs, fines, probation fees, community correction fees and restitution. The individual posting a bond shall sign the Court's Cash Bond Form acknowledging the bond may be used by the Court.